

Rigid Plastic Packaging  
Container (RPPC)  
Proposed Regulation Package  
45-Day Public Comment Hearing

April 8, 2011

# Issues/Concerns Being Addressed by Rulemaking

- Modify key definitions
- Add 2006 statutory compliance option – alternative container compliance
- Add pre-certification notification process
- Add process to obtain advisory opinions on whether containers are regulated

# Key Proposed/Revised Issues

- Proposed Revised Definitions:
  - Postconsumer Material Subsection 17943 (l)
  - Product Manufacturer Subsection 17943 (o)
  - Reusable Container Subsection 17943 (s)
  - RPPC Subsection 17943 (t)
  - Source Reduced Container Subsection 17943 (w)
- Proposed New Sections:
  - Alternative Container Compliance Methods Section 17944.1
  - Pre-Certification Process Section 17945.1
  - Advisory Opinions Section 17948.2

# Proposed Revisions in Key Definitions

- Postconsumer Plastic (Subsection 17943 (l))  
After discussions at the 2007 workshops, the regulatory language now mirrors the definition within Public Resources Code 42301 (g) & deletes the ability to claim post-industrial as postconsumer material.

# Proposed Revisions in Key Definitions

- Product Manufacturer (Subsection 17943 (o))  
Changed factors for identifying which company has the responsibility for certifying the RPPC being sold within California.  
Methods in current regulations resulted in the Board not being able to identify who was responsible.

# Proposed Revisions in Key Definitions

- Reusable Container (Subsection 17943 (s))
  - Clarification that it stores a replacement product sold by the same manufacturer and replenishes the contents of the original RPPC.
  - Does not permanently store the original product.

# Proposed Revisions in Key Definitions

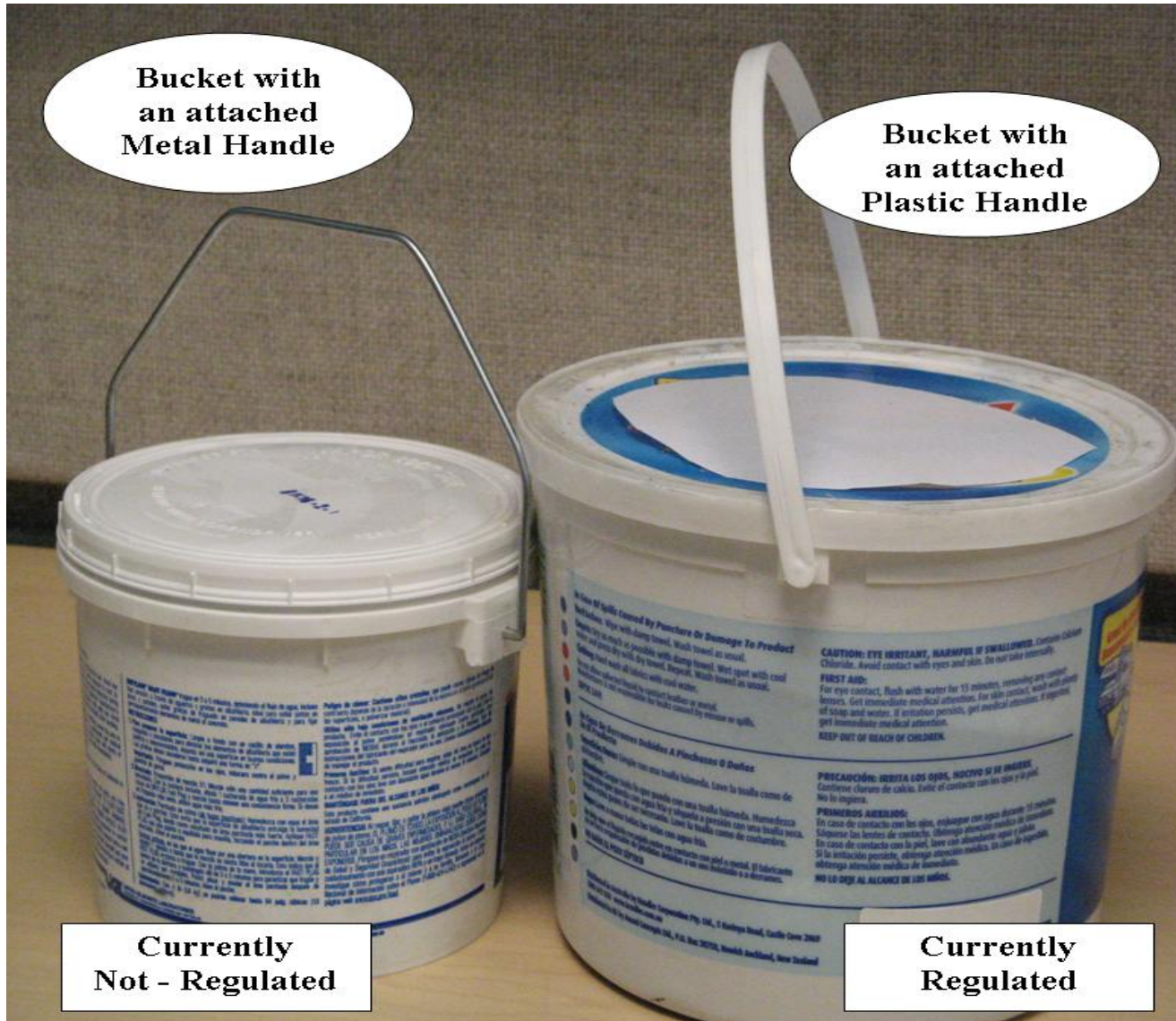
- Definition of a RPPC (Subsection 17943 (t)):
  - Changes were made to create a more level playing field.
    - At least one closure vs. multiple closures
    - Caps, lids, handles may be non-plastic vs. all plastic containers
    - Addresses newer types of packaging:  
Relatively inflexible containers.

# Inequities in the Existing Regulations:





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# Proposed Revisions in Key Definitions

- Source Reduction (Subsection 17943(w)):
  - Clarifies that “similar RPPCs” are alike in shape, volume, and concentration when complying through source reduction for particular type RPPCs.
  - Resin switching not allowed as compliance an option

# Alternative Container Compliance Methods (Adding Section 17944.1)

- Option for a Product Manufacturer to demonstrate compliance through other companies under the same corporate ownership.
- CaPCM used in other products or packaging may be credited toward the RPPC PCM content option:
  - CaPCM must either be equivalent to or exceeds the statutory 25% PCM threshold.

# Pre-Certification Process



(Adding Section 17945.1)

- Product Manufacturers will be notified approximately 2 years in advance of possible certification:
  - Allows companies time to achieve compliance without threat of immediate penalties.

# Advisory Opinions Process

## (Adding Section 17948.2)

- Establishes a process for a manufacturer to request an advisory opinion from the Director whether a container is a regulated RPPC
- Advisory opinions can be requested in the Pre-certification process, after the manufacturer has been notified they may be requested to certify.

# Summary

- Proposed changes to the regulations will:
  - Help “level the playing field”
  - Divert RPPCs from disposal
  - Support collection infrastructure and markets for postconsumer material
  - Establish procedures to improve the compliance process

